

AMENDED IN ASSEMBLY MAY 23, 2014

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CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2756

**Introduced by Committee on Revenue and Taxation (Bocanegra
Chair), Gordon, Mullin, Pan, V. Manuel Pérez, and Ting)**

March 24, 2014

An act to amend and renumber Section 674 of, and to add Article 8.5 (commencing with Section 674) to Chapter 3 of Part 2 of Division 1 of, the Revenue and Taxation Code, relating to property taxation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2756, as amended, Committee on Revenue and Taxation. Assessment analysts: certification.

Existing law provides for the annual assessment and collection of property taxes by each county, and provides for the state administration of the property tax by the State Board of Equalization.

The California Constitution generally limits ad valorem taxes on real property to 1% of the full cash value of that property. For purposes of this limitation, "full cash value" is defined as the assessor's valuation of real property as shown on the 1975–76 tax bill under "full cash value" or, thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred.

Existing property tax law requires a transferee of real property or a manufactured home that is locally assessed to file a change in ownership statement with the assessor of the county in which the property or manufactured home is located, and also requires a corporation,

partnership, limited liability company, or other legal entity to file a change in ownership statement with the board.

Existing property tax law also includes various property tax exemptions as authorized or established by the California Constitution.

This bill would prohibit a person from making decisions with regard to change in ownership, or with regard to property tax exemptions, except a homeowners’ exemption claim, as an employee of the state, a county, or a city and county, unless he or she is the holder of a valid assessment analyst certificate issued by the board. The bill would require the board to provide for the examination of applicants for a certificate and would authorize the board to contract with the Department of Human Resources to give the examinations. The bill would provide for an advanced certificate, pursuant to a course of study prescribed by, and on examination prepared by, the board. The bill would require prescribed annual training for certification, including advanced certification. Failure to complete training as required would be grounds for revocation. The bill would also authorize the board to issue temporary certificates and interim certificates under prescribed circumstances. *This bill would specify that its provision are not to be construed to impede assessors from managing their staff resources efficiently regarding exemption applications and change in ownership documents, provided that noncertificated staff are not responsible for making exemption or change in ownership decisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) County assessors are required to follow complex state laws
- 4 in the performance of their duties.
- 5 (b) The application of those laws is intended to provide
- 6 consistent and accurate assessment practices across the state.
- 7 (c) It is the intent of the Legislature that the interests of
- 8 taxpayers be protected by ensuring that decisions regarding
- 9 eligibility of a property for exemption, other than homeowners’
- 10 exemptions, or whether a transaction is a change in ownership or
- 11 qualifies for an exclusion from a change in ownership, or both, be
- 12 made by staff who is certified to make those decisions.

1 (d) It is further the intent of the Legislature that implementation
2 of education and certification requirements required by this act be
3 undertaken in the most efficient and economical manner, utilizing
4 existing resources of California county assessors with the advice
5 and counsel of the State Board of Equalization.

6 ~~(e) The Legislature does not intend to impede assessors in
7 managing their staff resources in an efficient manner and in a way
8 that allows noncertificated staff to prepare and work with
9 exemption applications and change in ownership documents,
10 provided that these staff are not making change in ownership or
11 exemption decisions.~~

12 ~~(f)~~

13 (e) It is further the intent of the Legislature that this act be
14 construed as an act necessary for the implementation of Article
15 XIII A of the California Constitution and, as such, is not a program
16 or higher level of service mandated by the state.

17 SEC. 2. Section 674 of the Revenue and Taxation Code is
18 amended and renumbered to read:

19 680. (a) All contracts for the performance of appraisal work
20 for assessors by any person who is not an employee of the state,
21 any county, or any city shall be entered into only after at least two
22 competitive bids and shall be entered into either on a fixed fee
23 basis or on the basis of an hourly rate with a maximum dollar
24 amount.

25 (b) In addition to any provision in the Real Estate Appraisers'
26 Licensing and Certification Law (Part 3 (commencing with Section
27 11300) of Division 4 of the Business and Professions Code), a
28 contractor shall maintain the confidentiality of assessee information
29 and records as provided in Sections 408, 451, and 481 that is
30 obtained in performance of the contract.

31 (1) A request for information and records from an assessee shall
32 be made by the assessor. The assessor may authorize a contractor
33 to request additional information or records, if needed. However,
34 a contractor shall not request that information or records without
35 the written authorization of the assessor.

36 (2) A contractor shall not provide appraisal data in his or her
37 possession to the assessor or a contractor of another county who
38 is not a party to the contract. An assessor may provide that data to
39 the assessor of another county as provided in subdivision (b) of
40 Section 408.

1 (c) A contractor may not retain information contained in, or
2 derived from, an assessee’s confidential information and records
3 after the conclusion, termination, or nonrenewal of the contract.
4 Within 90 days of the conclusion, termination, or nonrenewal of
5 the contract, the contractor shall:

6 (1) Purge and return to the assessor any assessee records,
7 whether originals, copies, or electronically stored, provided by the
8 assessor or otherwise obtained from the assessee.

9 (2) Provide a written declaration to the assessor that the
10 contractor has complied with this subdivision.

11 (d) All contracts entered into pursuant to subdivision (a) shall
12 include a provision incorporating the requirements of subdivisions
13 (b) and (c). This provision of the contract shall use language that
14 is prescribed by the board.

15 (e) For purposes of this section, a “contractor” means any person
16 who is not an employee of the state, any county, or any city who
17 performs appraisal work pursuant to a contract with an assessor.

18 SEC. 3. Article 8.5 (commencing with Section 674) is added
19 to Chapter 3 of Part 2 of Division 1 of the Revenue and Taxation
20 Code, to read:

21
22 Article 8.5. Assessment Analyst Certificates
23

24 674. (a) A person shall not make decisions with regard to
25 changes in ownership as an employee of the state, a county, or a
26 city and county, unless he or she is the holder of a valid assessment
27 analyst certificate issued by the board.

28 (b) A person shall not make decisions with regard to property
29 tax exemptions, except for homeowners’ exemption claims, as an
30 employee of the state, a county, or a city and county, unless he or
31 she is the holder of a valid assessment analyst certificate issued
32 by the board.

33 (c) The board shall provide for the examination of applicants
34 for an assessment analyst certificate and may contract with the
35 Department of Human Resources to give the examinations.
36 Examinations shall be prepared by the board with the advice and
37 assistance of a committee of five assessors selected by the
38 California Assessors’ Association for this purpose. No certificate
39 shall be issued to any person who has not attained a passing grade
40 in the examination and demonstrated to the board that he or she is

1 competent to make change in ownership or exemption decisions,
2 or both, as that competency is defined in regulations duly adopted
3 by the board. However, any applicant for a certificate who is denied
4 a certificate pursuant to this section shall have a right to a review
5 of that denial in accordance with the Administrative Procedure
6 Act (Chapter 5 (commencing with Section 11500) of Part 1 of
7 Division 3 of Title 2 of the Government Code).

8 (d) This section does not apply to a person holding a valid
9 appraiser's or advanced appraiser's certificate issued by the board.

10 (e) The board shall not impose any charge upon a county or city
11 and county or an applicant for an examination or certification under
12 this section or for training conducted by the board under Section
13 675.

14 675. (a) (1) In order to retain a valid certificate, every certified
15 assessment analyst shall complete at least 24 hours of training
16 conducted or approved by the board in each one-year period.

17 (2) Any training time in excess of the 24-hour minimum that is
18 accumulated in any one year shall be carried over as credit for
19 future training requirements, with a limit of three years in which
20 the carryover time may be credited.

21 (3) Failure to complete training in accordance with this
22 subdivision shall constitute grounds for revocation of a certificate.
23 A proceeding to revoke shall be conducted in accordance with the
24 Administrative Procedure Act (Chapter 5 (commencing with
25 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
26 Code).

27 (4) Training shall include, but not be limited to, new
28 developments in applicable case law, statutory law, and
29 administrative rules.

30 (b) (1) The board shall issue an advanced assessment analyst
31 certificate for an applicant that has held a certificate issued in
32 accordance with Section 674 for at least three years and has done
33 at least one of the following:

34 (A) Has successfully completed an advanced course of study
35 prescribed pursuant to paragraph (2).

36 (B) Has passed an advanced level examination prepared pursuant
37 to paragraph (2).

38 (2) The board, with the advice and assistance of five assessors
39 selected by the California Assessors' Association, shall prescribe

1 an advanced course of study and prepare the advanced level
2 examination.

3 (3) In order to retain a valid advanced assessment analyst
4 certificate, every holder shall complete at least 12 hours of training
5 in each one-year period.

6 (4) Any training time for the advanced assessment analyst
7 certificate that is in excess of the 12-hour minimum accumulated
8 in any one year shall be carried over as a credit for future training
9 requirements, with a limit of two years in which the carryover time
10 may be credited.

11 (5) Failure to complete training in accordance with this
12 subdivision shall constitute grounds for revocation of an advanced
13 assessment analyst certificate. A proceeding to revoke shall be
14 conducted in accordance with the Administrative Procedure Act
15 (Chapter 5 (commencing with Section 11500) of Part 1 of Division
16 3 of Title 2 of the Government Code).

17 (6) Training to retain the advanced assessment analyst certificate
18 shall include, but not be limited to, new developments in applicable
19 case law, statutory law, and administrative rules.

20 676. (a) At the time of certification, each applicant shall
21 disclose, on forms provided by the board, his or her financial
22 interest in any legal entity. Thereafter, the form shall be completed
23 annually.

24 (b) If the applicant is also required to annually file with the Fair
25 Political Practices Commission pursuant to Article 3 (commencing
26 with Section 87300) of Chapter 7 of Title 9 of the Government
27 Code, a duplicate of that filing shall meet the requirements of this
28 section.

29 677. The board may issue a temporary certificate to a person
30 who is newly employed by the state, a county, or a city and county
31 in order to afford the person the opportunity to apply for and take
32 an examination, the successful passage of which would qualify
33 the person for a certificate pursuant to this article. The board shall
34 not issue a temporary certificate for a duration that exceeds one
35 year, unless the person has been duly elected or appointed to the
36 office of assessor. The board shall not renew a temporary
37 certificate.

38 678. The board may issue an interim certificate to a person
39 who is currently employed by the state, a county, or a city and
40 county, and who is making change in ownership or exemption

1 decisions in order to afford that person the opportunity to apply
2 for and take an examination, the successful passage of which would
3 qualify the person for a certificate pursuant to this article. The
4 board shall not issue an interim certificate for a duration that
5 exceeds four years, unless the person has been duly elected or
6 appointed to the office of assessor. The board shall not renew an
7 interim certificate.

8 *679. This article shall not be construed to impede an assessor*
9 *from managing his or her staff resources efficiently, and in a*
10 *manner that allows noncertificated staff to prepare and work with*
11 *exemption applications and change in ownership documents,*
12 *provided that the noncertificated staff are not responsible for*
13 *making exemption or change in ownership decisions.*

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